IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7420 of 2006

OM PRAKASH
V/S
D.J.SRIGANGANAGAR & ORS.

Mr. BL CHOUDHARY for Mr. JR BENIWAL, for the appellant / petitioner

Date of Order : 3.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The learned trial court being the Debt Relief Court has dismissed the petitioner's claim by appreciating the evidence produced before him, and finding that the plaintiff has failed to prove the advancement of loan, and its non-refund, and the learned Revisional Court has dismissed the revision, on the ground that the grounds taken do not fall within the scope of Section 17 of the Rajasthan Relief of Agricultural Indebtedness Act.

Learned counsel relies upon the judgment Kerala High Court in Jyothis Kuries and Loans Vs. George Jose reported in 2004(1) DCR-550, specially second head note.

Suffice it to say, that this again relates to a question of appreciation of evidence, as to how the proof of promissory note should have been considered, but then the fact remains that the scope of revision under Section 17 is very limited, and the learned Revisional Court cannot be said to be in error in not interfering with the findings of fact recorded by the learned trial court.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/sushil/